

In the United States District Court  
for the Northern District of Indiana

South Bend Division

Robert Davis  
Plaintiff,

V.

(LPN) Rhonda Adkins,  
(RN) Sheri Fritter,  
(RN) Deanna J. Laughlin,  
Warden Ron Neal,  
Wexford of Indiana, LLC,  
Defendant's,

SCANNED at ISP and Emailed on  
2-17-22 by KLB - 92 pages  
(date) (initials) (num)

CAUSE NO. 3:22-cv-129

Jury trial demanded

**Prisoner Complaint**

Comes now Plaintiff Robert Davis, Pro Se, pursuant to 42 U.S.C. § 1983, files this complaint against defendant's (LPN) Rhonda Adkins, (RN) Sher Fritter, (RN) Deanna J. Laughlin, Warden Ron Neal, Wexford of Indiana, LLC. In Support of the complaint plaintiff States as follows:

**Introduction**

1. Plaintiff is allergic to the tuberculosis solution that is injected into your arm to determine rather you have tuberculosis or not.
2. When injected with the solution plaintiff arm itches for at lease 4 days, and swells (2.0cm) wide which the bump be on plaintiff arm for months.

3. Plaintiff has brought his serious medical condition to the attention to defendant's and other health care team and prison staff here at (I.S.P) during every annual screening.
4. Still for two years in a row 2019 and 2020 plaintiff was forced to take the tuberculosis shot anyway.
5. The allergy has been in plaintiff Robert Davis medical file since 2012.
6. And despite the alarming (2.0cm) bump that was appearing on Robert Davis arm that the solution was leaving on there those two years.
7. Plaintiff Robert Davis serious medical condition have not been clinically evaluated by the doctor here at (I.S.P.), nor has his condition been diagnosed sufficiently.
8. Defendants response to plaintiff Robert Davis serious medical condition here at (I.S.P.) has been total negligence.
9. Violating plaintiff Robert Davis 14<sup>th</sup> Amendment right to due process.
10. And Defendant's deliberate indifference violated Plaintiff 8<sup>th</sup> Amendment right to be free from cruel and unusual punishment, and plaintiff seeks redress of these rights under 42 U.S.C. § 1983.

**Parties**

11. Plaintiff Robert Davis is citizen of the United States and a resident of Michigan City Indiana.
12. Plaintiff Robert Davis is currently in the custody of the Indiana Department of correction (IDOC) as an inmate at Indiana State Prison.

13. Plaintiff has been in (IDOC) custody since 2012.
14. On information and belief, defendant Rhoda Adkins, is a (LPN) and was employed by Wexford of Indiana, LLC at the time of prisoner complaint, because of plaintiff status as an inmate at Indiana State prison, (LPN) Rhoda Adkins was responsible for the scheduling and performing of the annual health screening while she was employed by Wexford of Indiana, LLC, and is being sued in her individual and official capacity.
15. On information and belief, defendant Deanna J. Laughlin, is a (RN) and was employed by Wexford of Indiana, LLC at the time of prisoner complaint, because of plaintiff status as a inmate at Indiana State prison, (RN) Deanna J. Laughlin, was responsible for the scheduling and performing of the annual health screening, while she was employed by Wexford of Indiana, LLC. and is being sued in her individual and official capacity.
16. On information and belief, defendant Sheri Fritter, is a (RN) and is a Supervisor that was employed by Wexford of Indiana, LLC at the time of prisoner complaint, because of plaintiff status as a inmate at Indiana State prison, (RN) Sheri Fritter was responsible for the scheduling and performing of the annual health screening while she was employed by Wexford of Indiana, LLC, and is being sued in her individual and official capacity.
17. Defendant Wexford is a limited liability company formed under the law of the State of Indiana with its principal place of business in Indianapolis, Indiana. On information and belief, Wexford has had a contractual relationship with (IDOC)

since April 1, 2017, pursuant to the contractual relationship, (IDC), an agency of the State of Indiana, delegated responsibility for providing reasonable medical care to inmates in (IDOC) custody to Wexford, as an (IDOC) agent exercising delegated government functions, Wexford is a State actor under 42 U.S.C. § 1983, and is being sued in their official capacity.

18. Defendant Ron Neal is employed by (IDOC) as the warden of Indiana State prison, because of plaintiff status as an inmate at Indiana State prison, warden Neal is the chief custodian over Robert Davis, and is responsible for ensuring that plaintiff receives adequate medical care and due Process of the law at Indiana State prison, therefore, Ron Neal is being sued in his official capacity as warden and chief custodian.

#### **JurisDiction and venue**

19. Plaintiff Robert Davis, brings his federal civil rights claim pursuant to 42 U.S.C. § 1983. This court has subject matter Jurisdiction pursuant to 28 U.S.C. § 1331 and 13343 (A).

20. Venue is proper in this district under 28 U.S.C. § 1391 (b) (2) because the events or omissions giving rise to plaintiff claim occurred in the Northern District of Indiana.

#### **Factual allegations**

21. Plaintiff Robert Davis is allergic to the tuberculosis solution that is injected in your arm to determine rather you have tuberculosis or not.

22. Plaintiff Robert Davis was forced two years in a row to take the solution 6-19-

2019 and 3-28-2020, and both times the shot put a (2.0cm) bump on his arm.

23. Plaintiff Robert Davis wrote grievances and complained to the medical staff her

at Indiana State prison about the fact that he is allergic to the tuberculosis solution.

24. Defendants response every time to Robert Davis complaint was that he wasn't

allergic to the solution, and that Robert Davis could not refuse the shot, unless he wanted to go to D-House segregation for Quarantine.

25. Plaintiff Robert Davis medical records support his complaint about his allergy,

and it has been in his medical files since 2012, when plaintiff Robert Davis first entered Indiana department of correction.

26. Defendants failure to adequately and appropriately address Robert Davis

grievances and complaining of his allergy, and forced him to take a solution he was allergic to violated his constitutional rights.

**Defendants were Deliberately indifferent**

27. Defendants responded to plaintiff Robert Davis serious medical condition with

deliberate indifference.

28. During 2019 and 2020 annual health screening (LPN) Rhonda Adkins, (RN)

Deanna J. Laughlin, (RN) Sheri Fritter, were told by Robert Davis that he was

allergic to the tuberculosis solution that the nurses shoot in your arm, but Robert

Davis was threaten by these individual and was force to take the tuberculosis shot anyway.

29. Plaintiff Robert Davis wrote an informal grievance to the health care department in 2019 when he was forced to take the solution only to get a response that there was no documentation in Robert Davis medical files presenting a positive (PPD) test, see, ex. 11-12.
30. Plaintiff Robert Davis then filed a facility grievance to the grievance specialist who report directly to the warden of this facility, but only was told that the grievance was filed late.
31. And that Wexford perform the test on everyone every year including staff. See, ex. 15.
32. Ending grievance without even investigation Robert Davis allegations of being forced to take a solution at medical that he was allergic to.
33. The next year in 2020 when Robert Davis was force to take the tuberculosis shot by (RN) Deanna J. Laughlin.
34. Robert Davis filed an informal grievance to the health care department, but got no response.
35. Robert Davis then filed a facility grievance to the grievance specialist who report directly to the warden, but grievance specialist response was that Robert Davis can not refuse the tuberculosis shot. See, ex. 18.
36. Also, in the grievance specialist investigation (RN) Fritter who is a nurse supervisor and was involved in the 2019 situation with the tuberculosis shot.
37. Still refuse to sufficiently and adequately have Robert Davis medical condition documented.

38. (RN) Fritter answer to Robert Davis grievance was that a redness was shown when the shot was received and that another method will be used in future tests. See, ex 18.

39. The grievance was recorded as grievance number 113777, but was denied on every level as appropriate. See, ex. 20-23.

40. Plaintiff Robert Davis medical record goes all the way back to 2012 (RDC) when he first entered the department of correction showing his allergy see, ex. 1, and no one checked or believed Robert Davis was allergic to that tuberculosis solution here a Indiana State prison.

41. Defendants deliberate indifference has caused plaintiff Robert Davis great harm twice, in 2019 and in 2020.

42. The allergic reaction Robert Davis experienced from the solution put a bump on Robert Davis arm both times (2.0cm) wide that last for months. See, ex. 6, 7, 9.

### **Count 1**

**Violation of the 8<sup>th</sup> amendment to the U.S. constitution and 42 U.S.C. § 1983**

**(Against [LPN] Rhonda adkins).**

43. The allegations of paragraphs (1) -through-(42) have reference of exhibits incorporated.

44. (LPN) Rhonda adkins while acting under color of State law, performed her duties in a manner that was deliberate, reckless and/or callous indifference to plaintiff Robert Davis serious medical condition thus depriving Plaintiff Robert

Davis of his rights protected by the 8<sup>th</sup> amendment of the United States constitution.

45. (LPN) Rhonda adkins was deliberately indifferent to Robert Davis serious medical condition when she was told by Robert Davis that he was allergic to that tuberculosis solution, and Rhonda adkins called her supervisor (RN) Sheri fritter telling her that Robert Davis is refusing that tuberculosis shot, and was told by (RN) Sheri fritter to have Robert Davis sent to D-house segregation if Robert Davis don't take the tuberculosis shot, and Rhonda adkins shot Robert Davis with that tuberculosis solution without checking Robert Davis medical file herself to see was Robert Davis telling the truth. See., ex. 6.
46. According to the facility Directive (ISP 03-05) (LPN) Rhonda adkins was suppose to call her supervisor (RN) Sheri fritter because Rhonda adkins is not a Registered Nurse. See ex., 24.
47. However, Rhonda adkins could have Just as well checked Robert Davis Medial file when Robert Davis told her that he was allergic to that tuberculosis solution, and because she didn't it was negligent when (LPN) Rhonda adkons shot that solution in Robert Davis arm. See, ex., 6.
48. As a direct and proximate cause of Rhonda adkins deprivation of Robert Davis 8<sup>th</sup> amendment right, plaintiff Robert Davis suffered physical injuries that made his arm itch for 4 days and put a (2.0cm) wide bump on his arm that was there for months. See, ex. 6.



49. Because of these injuries, Plaintiff Robert Davis is entitled to damages under 42 U.S.C. § 1983.

**Count 2**

**Violation of the 8<sup>th</sup> amendment to the U.S. constitution and 42 U.S.C. § 1983  
(against [RN] Deanna J. Laughlin).**

50. The allegations of paragraphs (1)-through-(49) have Reference of exhibits incorporated.

51. (RN) Deanna J. Laughlin, while actin under color of State law, performed her duties in a manner that was deliberate, reckless and/or callous indifference to plaintiff Robert Davis serious medical condition, thus depriving Plaintiff Robert Davis of his rights protected by the 8<sup>th</sup> amendment of the United States constitution.

52. (RN) Deanna J. Laughlin was deliberately indifferent to plaintiff Robert Davis serious medical condition when she was told by Robert Davis that he was allergic to that tuberculosis solution, and (RN) Deanna J. Laughlin told Robert Davis that he wasn't, and that he had to take the shot. Robert Davis told Deanna J. Laughlin that a chest x-Ray was order for him already instead, and Deanna J. Laughlin told plaintiff that no chest x-Ray was order for him and that he couldn't refuse the tuberculosis shot without going to D-house segregation or G-dorm for Quarantine.

53. Not wanting to go to segregation plaintiff Robert Davis signed the consent form (RN) Deanna J. Laughlin said he had to sign and took the shot.

54. Deanna J. Laughlin didn't wasn't to stop and check plaintiff medical file and Robert Davis tuberculosis situation goes all the way back to 2012 when he first enter (IDOC). See, ex. 1-2.
55. It was negligent and a violation of Robert Davis 8<sup>th</sup> amendment Constitutional right when Deanna J. Laughlin shot that tuberculosis solution in Robert Davis arm.
56. As a direct and proximate cause of Deanna J. Laughlin negligent and deprivation of Robert Davis 8<sup>th</sup> amendment Right, Plaintiff Robert Davis suffered physical injuries that made his arm itch for 4 days and put a (2.0cm) wide bump on his arm that was there for months. See, ex. 8-9.
57. Because of those injuries plaintiff Robert Davis is entitled to damages under 42 U.S.C. § 1983.

**Count 3**

**Violation of the 8<sup>th</sup> amendment to the U.S. Constitution and 42 U.S.C. § 1983 (against [RN] Sheri fritter). The allegations of paragraphs (1)-through-(57) have reference of exhibits incorporated.**

58. (RN) Sheri fritter, while acting under color of state law, performed her duties in a manner that was deliberate, reckless and/or callous indifference to plaintiff Robert Davis serious medical condition thus depriving plaintiff Robert Davis of his rights protected by the 8<sup>th</sup> amendment of the United State Constitution.
59. (RN) Sheri fritter is the nurses supervisor in the health care unit at Indiana State prison.

60. Sherri fritter was negligent and was deliberately indifferent to plaintiff Robert Davis serious medical condition for two years in a row, 2019 and 2020.

06-19-2019

61. Sheri fritter was negligent and deliberately indifferent when (LPN) Rhonda adkins called Sheri fritter telling her that plaintiff Robert Davis was telling her that he was allergic to that tuberculosis solution, and that he didn't want to take that shot in his arm, and Sheri fritter told (LPN) Rhonda adkins that Robert Davis had to take the tuberculosis shot without checking Robert Davis medical file.

62. Sheri fritter also told (LPN) Rhonda adkins to tell Robert Davis, if he didn't take the shot that he was going to D-house segregation.

63. Plaintiff Robert Davis then sign the consent form to avoid going to segregation, and took the shot.

64. The facility directive (ISP 03-05) affirmed that (LPN) Rhonda adkins call to (RN) fritter was expected when performing that tuberculosis shot. See, ex. 24.

65. (RN) fritter was the (RN) in that situation and was supposed to make sure that the scheduling and performing of the annual health screening was adequate. See, ex. 24.

66. Plaintiff Robert Davis then wrote an informal grievance to the health care unit about his tuberculosis situation, and on information and belief was told that no records was documented in his medical files presenting a positive (PPD) test by

nurses supervisor (RN) Sheri fritter on his request for interview form. See, ex. 11 and 12.

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67. When (RN) Deanna J. Laughlin forced plaintiff Robert Davis to take that tuberculosis shot without checking his medical file to see was Robert Davis allergic to that tuberculosis solution.
68. Robert Davis wrote an informal grievance concerning being shot with that tuberculosis solution to the health care department, but the grievance was ignored by the health care unit where (RN) fritter is the nurses supervisor.
69. Robert Davis then filed a facility grievance and when the grievance specialist talked to nurse supervisor (RN) Sheri fritter.
70. (RN) Sheri fritter response was still negligent and deliberately indifferent, because (RN) fritter response was "that a redness was shown when the shot was received," and "that another method will be used in future tests see, ex. 18.
71. That tuberculosis shot leaves a (2.0cm) wide bump on Robert Davis arm every time its administered, and it was documented both years Robert Davis was forced to take that shot here at Indiana State Prison. See, ex. 6, 7, 9.
72. (RN) supervisor fritter refused to adequately and sufficiently look in the computer at Robert Davis TB screening diagnoses from (RDC) and (WVD) in 2012. See, ex. 1-4.

73. Nor did (RN) fritter sufficiently look at Robert Davis PPD result here at Indiana State Prison where Robert Davis have been forced to take those shots, and have Robert Davis serious medical condition adequately documented. See, 6, 7, and 9.

74. For (RN) fritter negligent and proximate cause depriving Robert Davis of his 8<sup>th</sup> amendment right.

75. Plaintiff Robert Davis suffered physical injuries that made his arm itch for 4 days and put a (2.0cm) wide bump on his arm that was there for months both years 2019 and 2020, the tuberculosis shot was administered. See, ex. 6, 7, 9.

76. Because of those injuries, plaintiff Robert Davis is entitle to damages under 42 U.S.C. § 1983.

#### **Count 4**

**Violation of the 8<sup>th</sup> amendment to the U.S. Constitution and 42 U.S.C. § 1983.**

**(Against Wexford of Indiana LLC)**

**The allegations of paragraphs (1)-through-(76) have reference of exhibits incorporated.**

77. Starting on April 1, 2017, Wexford was under contract with the State of Indiana, through (IDOC), to provide health care to inmates a Indiana State Prison, including Robert Davis.

78. In this capacity, Wexford acted under color of State law and was responsible for the creation, implementation, oversight, and supervisions of all policies and procedures followed by Wexford and (IDOC) employees who were medical care providers to inmates incarcerated at Indiana State Prison.

79. The department of correction- Indiana State Prison- facility Directive -(ISP 03-05) on annual health screening States:
80. That the nursing staff is responsible for scheduling and performing the annual health screening during the offenders birth month. See, ex. 24.
81. (LPN) Rhonda adkins, (RN) Deanna J. Laughlin, (RN) Sheri fritter, and other Wexford personnel acted pursuant to these policies and procedures when they refused to check Robert Davis medical file and forced Robert Dais to take a tuberculosis shot that he was allergic to.
82. The failure to believe Robert Davis or check Robert Davis medial file for two years in a row was negligent and deliberate indifference to plaintiff Robert Davis serious medical need.
83. As a direct and proximate cause of Wexford's lack of oversight and supervision of all policies and procedures that was performed by Wexford and (IDOC) employees who were medical care providers that was negligent and deliberately indifference violating plaintiff Robert Davis 8<sup>th</sup> amendment rights.
84. Plaintiff Robert Davis suffered physical injuries that made his arm itch for 4 days, and put a (2.0cm) wide bump on his arm that was there for months in the year 2019 and 2020. See, 6, 7, 9.
85. Because of those injuries, plaintiff Robert Davis is entitled to damages under 42 U.S.C. § 1983.

**Count 5**

**Violation of the 8<sup>th</sup> and 14<sup>th</sup> amendment rights to the U.S. Constitution and  
U.S.C. § 1983.**

**(Against Warden Ron Neal)**

**The allegations to paragraphs (1)-through-(85) have reference of exhibits  
incorporated.**

86. As Warden of Indiana State Prison, defendant Ron Neal has a duty to implement policies and practices that afford an inmate at Indiana State Prison due process of law, and adequate medical care.

87. Defendant Ron Neal also has a duty to take corrective action when he becomes aware that an inmate at Indiana State Prison is not receiving adequate medical care, and is being deprived of life, liberty or property without due process of law.

88. Plaintiff Robert Davis made defendant Ron Neal aware of his serious medical condition, and the fact that a solution was being forced upon him that he was allergic to through the grievance process.

89. Defendant Ron Neal refused to take corrective action to ensure Robert Davis got clinically evaluated and sufficiently diagnosed for his serious medical condition.  
See, ex. 20, 21, 22, 23.

90. Nor did Ron Neal ensure corrective action protecting Robert Davis against the cruel and unusual punishment the medical staff at Indiana State Prison was subjecting Robert Davis to, when the medical staff was forcing injections upon Robert Davis he was allergic to see, ex. 20, 21, 22, 23.

91. As a direct and proximate cause of defendant Ron Neal act's and omissions that violated plaintiff Robert Davis 14<sup>th</sup> and 8<sup>th</sup> amendment rights.

92. Robert Davis condition still have not been diagnosed sufficiently here at Indiana State Prison, where Ron Neal is the Warden at. See, ex. 18, 20, 21, 22, 23.

93. Plaintiff is entitled to damages under 42 U.S.C. § 1983.

**Count 6**

**Violation of the 8<sup>th</sup> and 14<sup>th</sup> amendment to the U.S. Constitution and 42 U.S.C § 1983(Against Defendant's Wexford, Warden Neal, [LPN] Rhonda adkins, (RN) Deanna J. Laughlin, (RN) Sheri fritter were responsible for ensuring that plaintiff Robert Davis receives adequate health care.**

**The allegation of paragraphs (1)-through-(93) have reference of exhibits incorporated.**

94. Defendant's Wexford, warden Neal, (LPN) Rhonda adkins, (RN) Deanna J. Laughlin, (RN) Sheri fritter were responsible for ensuring that plaintiff Robert Davis receives adequate health care.

95. Plaintiff Robert Davis condition remains undiagnosed here at Indiana State Prison adequately.

96. Plaintiff risk injury here at Indiana State Prison every annual health screening allergy is Left undiagnosed, because the medical staff here at Indiana State Prison is negligent, and will force an inmate to take that tuberculosis shot without checking his medical files.



Prayer for Relief

As a result of these violations, Plaintiff Robert Davis request that the court grant the following relief against Defendant:

- A. Injunctive relief requiring defendants to provide access to any and all necessary adequate medical treatment required to diagnose and treat plaintiff Robert Davis serious medical condition;
- B. Judgment for compensatory damages against all defendants jointly and severally in an amount to be determined at trial;
- C. Judgment for punitive damages against all defendants jointly and severally in an amount to be determined at trial;
- D. Judgment for nominal damages to vindicate the violation of plaintiff Robert Davis rights under the constitution of the United State of America;
- E. An award of the costs of this action against all defendants jointly and severally, including reasonable attorneys' fees, in accordance with 42 U.S.C. § 1988; and
- F. Such other and further relief that the Court deems appropriate.

Jury Demand

Plaintiff Robert Davis respectfully demand trial by jury of all triable matters.

Date: February 17 2022.

Respectfully submitted

Robert Davis

Plaintiff, Pro Se

Certificate of Service

I, Robert Davis, certify that I caused a copy of the foregoing Prisoner Complaint to be Served upon all parties via-email through the court's ECF Notification System on February 17, 2022.

Robert Davis

Plaintiff, Pro Se